

4. All the acts alleged to have been done or not to have been done by the Defendant were done or not done by the Defendant, its agents, servants, workmen and/or employees acting in the course and scope of its employment for and on behalf of the Defendant.

5. At all time material hereto, Plaintiff was employed by Defendant.

6. All of the property, equipment and operations involved in the accident herein referred to were owned by and under the control of the Defendant, its agents, servants and/or employees.

7. At the time and place hereinafter mentioned, the acts of omission and commission causing the injuries to the plaintiff were done by the defendant, its agents, servants and/or employees, acting in the course and scope of their employment with and under the control of the defendant.

8. On or about April 2, 2020, Plaintiff arrived at his job, as a conductor for SEPTA.

9. As the day progressed, Mr. Hill was having trouble breathing and experiencing fatigue and stomach issues.

10. On April 4, 2020, Mr. Hill went to Inspira Medical Center because he started coughing up blood and mucus.

11. On April 5, 2020, Mr. Hill was admitted to the ICU.

12. On April 6, 2020, Mr. Hill was placed on a ventilator.

13. On April 14, 2022, Mr. Hill died from complications due to COVID-19.

14. Plaintiff's injuries were caused in whole or in part by the negligence, carelessness and recklessness of the defendant and their agents, servants, workmen and/or employees, acting within the scope of their employment, which negligence consisted of the following:

- a. in failing to provide the plaintiff with a safe place to work as required by the Federal Employers' Liability Act, Title 45 U.S.C. Secs. 51-60.
- b. in failing to comply with safety rules and regulations of the defendant.

- c. in failing to comply with the operating rules and regulations of the defendant.
- d. in failing to ensure that appropriate personal protective equipment was available and used;
- e. failure to communicate with the conductors regarding COVID-19 regulations.
- f. failure to communicate with the work gangs regarding their co-workers having COVID-19.

15. As a result of the aforesaid, Plaintiff died from complications due to COVID-19.

16. As a result of the aforesaid, Plaintiff had incurred a medically determinable physical impairment which prevented Plaintiff from performing all or substantially all of the material acts and duties which constitute his usual and customary work and limited his mobility and daily activities as well as enjoyment of life.

17. As a direct result of the defendants' negligence, through their agents, servants, workmen and/or employees, the Plaintiff was unable to attend to his usual duties and occupations, all of which caused substantial financial loss.

WHEREFORE, plaintiff claims all remedies available under the Federal Employer's Liability Act (FELA).

By: **KELLER AND GOGGIN, P.C.**
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